



City of NORFOLK

C: Dir., Department of Planning

To the Honorable Council
City of Norfolk, Virginia

August 16, 2011

From: Frank M. Duke, AICP, Planning Director

Subject: Street closing of a portion of Drain Street from the northern line of Lot 11 northeastwardly to its terminus.

Reviewed: Anne Odell, AICP, Assistant City Manager

Ward/Superward: 4/7

Approved: 


Item Number:

C-1

Marcus D. Jones, City Manager

- I. **Recommendation:** Schedule Public Hearing
- II. **Applicant:** Gethsemane Community Fellowship Baptist Church
- III. **Description:**
This agenda item is to close an unused portion of Drain Street from the northern line of Lot 11 northeastwardly to its terminus.
- IV. **Analysis**
 - The right-of-way is located in the South Brambleton neighborhood, developed primarily with single-family homes and institutional uses.
 - The request is consistent with adopted plans.
- V. **Financial Impact**
The church will pay the City \$1,500 for title to the land associated with the right-of-way closure.
- VI. **Environmental**
 - Closure of the alley will not divert additional traffic into the South Brambleton neighborhood.
 - The right-of-way will be conveyed to Gethsemane Community Fellowship Baptist Church for the construction of an addition to their main building.

VII. Community Outreach/Notification

- Legal notice was posted on the property on July 6.
- Letters were mailed to all property owners within 300 feet of the property on July 13.
- Legal notification was placed in *The Virginian-Pilot* on July 14 and 21.
- Notice was sent to the civic leagues by the Department of Communications on July 15.
- The Planning Commission Public Hearing was held on July 28, 2011.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

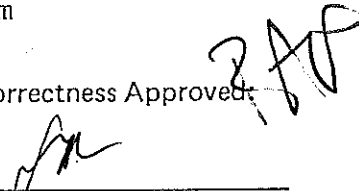

By vote of **4 to 0**, the Planning Commission recommended that the request for a street closure be approved.

IX. Coordination/Outreach

This letter has been coordinated with the Departments of Planning and Community Development, Public Works and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinance
- Zoning Map
- Locational Map

Form and Correctness Approved: By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF DRAIN STREET AND AUTHORIZING THE CONVEYANCE TO THE ABUTTING PROPERTY OWNER OF ANY INTEREST THE CITY MAY HAVE IN THE UNDERLYING FEE OF SAID PORTION OF DRAIN STREET.

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk has received an application from Gethsemane Community Fellowship Church, for the closure of a portion of Drain Street from the dividing line between Lot 11 and Lot 12, as more particularly described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of Drain Street be closed, vacated and discontinued; and

WHEREAS, Gethsemane Community Fellowship Church has paid to the City the sum of \$1,500.00, the agreed price for the City's interest in the portion of Drain Street to be closed; and

WHEREAS, Gethsemane Community Fellowship Church has agreed to pay to the City all costs associated with the publishing

of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 42-212 and 42-213 of the Norfolk City Code, 1979, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said portion of Drain Street is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the portion of Drain Street from the dividing line between Lot 11 and Lot 12, as more particularly described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance, is closed, vacated and discontinued as a public street of the City of Norfolk.


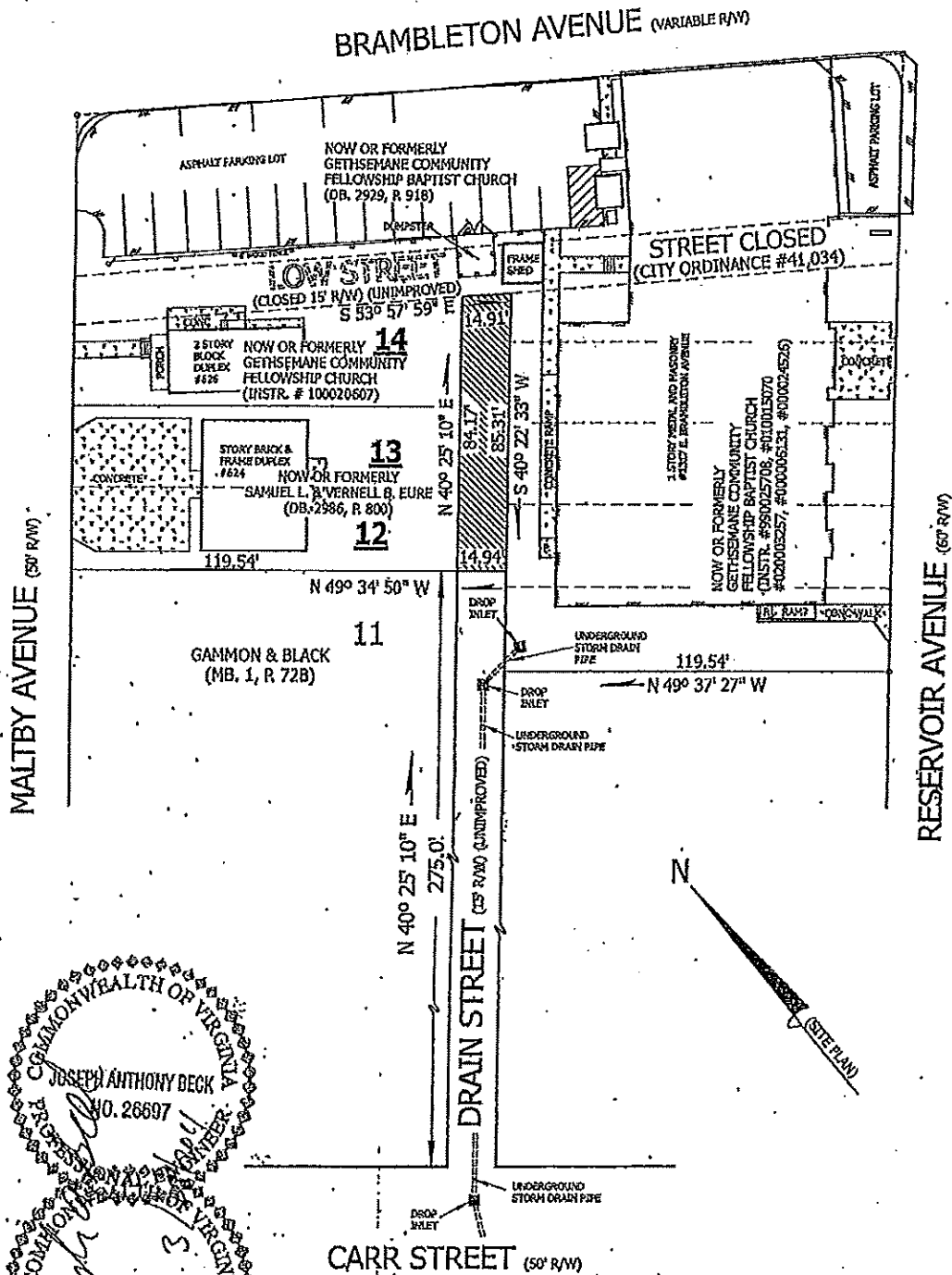
Section 2:- That it is the intent of the Council that any interest the City may have in the underlying fee of said portion of Drain Street shall transfer to the abutting property owner, Gethsemane Community Fellowship Church, and the proper officers of the City are authorized to do all things necessary, including the delivery of a quitclaim deed or deeds, in form satisfactory to the City Attorney, to effect the transfer to Gethsemane Community Fellowship Church of any interest the City may have in the underlying fee of the said portion of Montclair Avenue.

Section 3:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

EXHIBIT A

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: That portion of Drain Street from the dividing line between Lot 11 and Lot 12, said dividing line being shown on a plat entitled, "Gammon & Black," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 1 at Page 72B, northeastwardly to its terminus, all as shown on an exhibit entitled, "Exhibit Showing a Portion of Drain Street To Be Closed," said exhibit being prepared by Beck Associates, and dated March 23, 2011.

The above-described parcel contains 0.03 acre of land, more or less.

 PORTION OF DRAIN STREET TO BE CLOSED
(1263 SQ. FT., 0.02899 AC)

The image shows two circular surveyor seals for Joseph Anthony Beck, Commonwealth of Virginia. The top seal is for No. 26697 and the bottom seal is for No. 2030. Both seals feature a decorative border of small stars and the text 'COMMONWEALTH OF VIRGINIA' at the top and 'LAND SURVEYOR' at the bottom. The names 'JOSEPH ANTHONY BECK' and the respective numbers are in the center. A signature is written across both seals.

CARR STREET (50' R/W)

EXHIBIT SHOWING A PORTION OF
DRAIN STREET TO BE CLOSED,
NORFOLK, VIRGINIA

FOR: TIVEST DEVELOPMENT

BECK ASSOCIATES
Norfolk, Virginia, Inc.

MARCH 23, 2011

SCALE: 1" = 40'

Zoning Map



Location Map



Proponents and Opponents

Proponents:

Dwight Etheridge – Representative
1317 Brambelton Avenue
Norfolk VA 23504

Opponents:

None